



14 August 2013

## **STATEMENT**

This statement is issued by Odhikar to clarify its position and the position of Mr. Adilur Rahman Khan, Advocate, Supreme Court of Bangladesh and the Secretary of Odhikar; in order to remove all ambiguities about the role, philosophy, activities and commitments of Mr. Khan and Odhikar.

Odhikar and Adilur Rahman Khan's family are deeply touched with the support, campaigns and solidarity extended by various groups, the print and electronic media; and human rights defenders at home and abroad.

Since its inception in 1994, Odhikar has been showing its commitments towards a just and proper cause of human rights, for which Odhikar has gained high acclaim at home and abroad, including by the United Nations. In performing its activities Odhikar has never made any discrimination towards any religion, race, sex, political group etc, on the issues of human rights and in reporting violations. Activities of Odhikar include reporting, advocacy and factfinding activities on violations considered 'sensitive'; such as disappearances, torture, political violence, etc. As a result, Odhikar is under constant watch by the government. This has been the case for the last 19 years. The periodic human rights reports of Odhikar are published and disseminated every month since the Organisation's inception, and under all regimes. It is a known fact that human rights abuses by the state machinery are common in Bangladesh, irrespective of any government under any political party or military backed regime. The continuous work of Odhikar and its publication of human rights reports over the years, establishes its credibility and signifies its neutral objectives; which proves that Odhikar is always and only for the cause of human rights.

At about 10:20 pm on 10 August 2013, while Mr. Adilur Rahman Khan, Secretary of Odhikar was entering his home, with his family, approximately 10 people in civil dress got down from a white microbus bearing license number Dhaka Metro (?) 534206, and surrounded Mr. Khan and introduced themselves as members of the Detective Branch of Police. While they asked Mr. Khan to go with them, Mr. Khan requested them to show the warrant of arrest, which they failed to show. In a tight circle, they then escorted him to the said micro bus. The family members of Mr. Khan and Odhikar were deeply concerned about the picking up of Mr. Khan and immediately contacted the media. Family members also went to Gulshan

Police station to file a GD entry on the said incident. However, Gulshan Police Station refused to record the GD, and the Officer in Charge of the police station, when contacted by Mr. Khan's wife, told her that he had indeed been picked up by the DB police, and that the matter was 'sensitive' and they could not accept a GD.

The family and Odhikar deeply appreciate the role of the media who, by their prompt and vigilant action could shortly confirm the whereabouts of Mr. Khan and reported accordingly that Mr. Khan was taken by DB police and was kept in the Detective Branch head quarters at Mintoo Road, Dhaka. Until Mr. Khan was produced before the Court on 11 August 2013, neither the family members nor his lawyer, nor any one on behalf of Mr. Khan was given any opportunity to contact him or know of the allegations leveled against him. When Mr. Khan was produced before the court of the Chief Metropolitan Magistrate, Dhaka in the afternoon of 11 August 2013, the police forwarding was procured by the lawyer of Mr. Khan from the court and it was found that Mr. Khan had been arrested under section 54 of the Code of Criminal Procedure 1898, followed by a prayer for 10 days police remand. It transpires from the said police forwarding report, amongst others, that Odhikar had prepared a report on the incidents that occurred on the night following 5<sup>th</sup> May and early morning of 6<sup>th</sup> May 2013 to dismantle the mob organised by Hefazat-e- Islam. The police forwarding further alleged that no casualties or bloodshed occurred on that night, but Odhikar had published a report showing 61 deaths. It has further been alleged in the police forwarding report that the Ministry of Information had sought the particulars of the deaths from Odhikar; but Odhikar did not provide them with the information, for which Mr. Khan had been arrested, giving the impression that Odhikar was acting in violation of the provisions of the Information and Communication Technology Act 2006.

The Court, upon hearing the parties, was pleased to reject the prayer for bail of Mr. Khan and ordered five days police remand, and from there, Mr. Khan was taken into the custody of the Detective Branch of Police the same day.

On 12 August 2013, Mr. Khan filed a Criminal Miscellaneous Petition before the High Court Division, challenging the initiation of proceedings under section 54 and the order of remand. In the Petition, it had been submitted by Mr. Khan, that the allegations leveled against him were malicious, baseless, concocted and made with an ulterior motive, only to harass him. It was further submitted that even if the allegations are taken into consideration at its entirety, it does not disclose any offence under any law. It further transpires from the petition, that Odhikar had clearly explained to the Ministry of Information by its letter dated 17 June 2013 in response to the letter of the Ministry dated 10 July 2013 that Odhikar was always willing to provide the information regarding the casualties of the night following 5 May 2013,

subject to the condition that the information would only be provided to a Judicial Inquiry Commission, if the government forms such.

On the question of the legal issues of his arrest and remand, it has been submitted before the High Court Division, that granting of police remand pursuant to arrest under section 54, is a nullity in the eye of the law in as much as it is in direct contravention of the directions of the High Court Division in the case of BLAST Vs. Bangladesh reported in 55 DLR 363.

Upon hearing the lawyer of Mr. Khan, the High Court Division was pleased to issue a Rule and stay the operation of the remand order and send Mr. Khan to jail; with a direction upon the investigation officer to interrogate him at the jail gate if required. The said Order was communicated to the authority on 13 August 2013 and accordingly Mr. Khan was produced before the Court of the Chief Metropolitan Magistrate, Dhaka, from where he was first sent to Dhaka Central Jail and then to Kashimpur Jail. It is to be noted that an application for granting division in the jail was filed by Mr. Khan in accordance with the provisions of the Jail Code, but the Magistrate in a most illegal manner, rejected the petition. This rejection of petition, only for granting division, shows some apprehension in the mind of Odhikar that Mr. Khan is not being treated in accordance with the law.

Adilur Rahman Khan has been defending human rights even before the birth of Odhikar. As a lawyer, Mr. Khan has conducted many human rights cases on behalf of persons who became victimised by the actions of the law enforcement agencies. As a member of the 'National Committee for the Protection of the Fundamental Rights of the Chittagong Hill Tracts' he and three other lawyers were instrumental in obtaining the release of detainees of the Chittagong Hill Tracts, who had been detained for several years under the Special Powers Act 1974. Mr. Khan joined the Attorney General's office on 31<sup>st</sup> October 2001 as a Deputy Attorney General, and resigned from the said office on 10<sup>th</sup> May 2007. As a Deputy Attorney General he was entrusted with the responsibility to coordinate the prosecution of perpetrators of Trafficking in Persons. As a young lawyer and a member of the JSD (Inu), he also took active part in the anti- Ershad movement and was also a member of the legal team prosecution HM Ershad. Adilur Rahman Khan also worked closely with the late Mrs. Jahanara Imam in the Ekkatorer Ghatok Dalal Nirmul Committee. His commitment towards working for the human rights of the people of Bangladesh has never wavered.

Furthermore, it needs to be stated here that on 11<sup>th</sup> August at around 8:200 pm, DB police came to search the Odhikar office. They took away with them three laptops and two CPUs. Both CPU's belong to the documentation unit of Odhikar and contained vital victim and fact finding reports of various human rights abuses throughout the years, including information pertaining to the events of 5<sup>th</sup> and 6<sup>th</sup> May 2013. Odhikar is concerned that such information

may be distorted by the authorities and the security and rights of the victims and witnesses violated. Information is also being collected by the intelligence agencies regarding Odhikar's Director and local level human rights defenders, as the latter organised rallies in protest of Mr. Khan's arrest in different districts.

In this said background of facts, Odhikar believes that it has acted bonafide for the just and proper cause of human rights, without prejudice to any quarter. Odhikar urges the government to release Mr. Adilur Rahman Khan immediately, upon showing due respect to the Rule of Law, democracy and human rights. Odhikar expects that no person should be subjected to harassment and false persecution, which is the basic philosophy of any human rights defender and activist.

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